

Assembly Bill No. 862

CHAPTER 423

An act to amend Section 798.26 of, and to add Section 798.37.5 to, the Civil Code, relating to mobilehome parks.

[Approved by Governor September 12, 2000. Filed
with Secretary of State September 13, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 862, Correa. Mobilehome parks: landscaping: driveways.

Existing law, the Mobilehome Residency Law, authorizes the management of a mobilehome park to charge the owner of a mobilehome within the park a reasonable fee for the maintenance of the land and premises upon which the mobilehome is situated in the event the homeowner fails to do so in accordance with the park rules and regulations, as specified. The law prohibits a homeowner from being charged a fee for landscaping as a condition of tenancy in the park, except as specified. The law also authorizes reasonable landscaping requirements within the park rules and regulations. Existing law, the Mobilehome Parks Act, which is enforced by the Department of Housing and Community Development or specified local agencies, provides for specified regulation of mobilehome parks.

This bill would require the management to be solely responsible for the trimming, pruning, or removal of any tree on a rental space, and the costs thereof, upon written notice by a homeowner or a determination by the park management that the tree poses a specific hazard or health and safety violation. In case of a dispute over that assertion, the bill would authorize the park management or a homeowner to request an inspection by the Department of Housing and Community Development or a specified local agency to make a determination whether a violation of the Mobilehome Park Act exists. The bill would require the park management to be solely responsible for the trimming, pruning, or removal of trees in the common areas and the costs thereof. The bill would also require the management to be responsible for the maintenance, repair, and expenses related to the maintenance of all driveways installed by park management, would provide that homeowners are responsible for the maintenance, repair, and expenses related to maintaining homeowner installed driveways, and would prohibit a resident of a mobilehome park from planting a tree within the mobilehome park without first obtaining written permission from the management.

The bill would provide that any mobilehome park rule or regulation shall be in compliance with these provisions. These

provisions would only apply to rental agreements entered into, renewed, or extended on or after January 1, 2001, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 798.26 of the Civil Code is amended to read:

798.26. (a) Except as provided in subdivision (b), and notwithstanding any other provision of law to the contrary, the ownership or management of a park, subdivision, cooperative, or condominium for mobilehomes shall have no right of entry to a mobilehome without the prior written consent of the resident. The consent may be revoked in writing by the resident at any time. The ownership or management shall have a right of entry upon the land upon which a mobilehome is situated for maintenance of utilities, trees, and driveways, for maintenance of the premises in accordance with the rules and regulations of the park when the homeowner or resident fails to so maintain the premises, and protection of the mobilehome park, subdivision, cooperative, or condominium at any reasonable time, but not in a manner or at a time which would interfere with the resident's quiet enjoyment.

(b) The ownership or management of a park, subdivision, cooperative, or condominium for mobilehomes may enter a mobilehome without the prior written consent of the resident in case of an emergency or when the resident has abandoned the mobilehome.

SEC. 2. Section 798.37.5 is added to the Civil Code, to read:

798.37.5. (a) With respect to trees on rental spaces in a mobilehome park, park management shall be solely responsible for the trimming, pruning, or removal of any tree, and the costs thereof, upon written notice by a homeowner or a determination by park management that the tree poses a specific hazard or health and safety violation. In the case of a dispute over that assertion, the park management or a homeowner may request an inspection by the Department of Housing and Community Development or a local agency responsible for the enforcement of the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 3 of the Health and Safety Code) in order to determine whether a violation of that act exists.

(b) With respect to trees in the common areas of a mobilehome park, park management shall be solely responsible for the trimming, pruning, or removal of any tree, and the costs thereof.

(c) Park management shall be solely responsible for the maintenance, repair, replacement, paving, sealing, and the expenses related to the maintenance of all driveways installed by park management including, but not limited to, repair of root damage to driveways and foundation systems and removal. Homeowners shall be responsible for the maintenance, repair, replacement, paving,

sealing, and the expenses related to the maintenance of a homeowner installed driveway. A homeowner may be charged for the cost of any damage to the driveway caused by an act of the homeowner or a breach of the homeowner's responsibilities under the rules and regulations so long as those rules and regulations are not inconsistent with the provisions of this section.

(d) No homeowner may plant a tree within the mobilehome park without first obtaining written permission from the management.

(e) This section shall not apply to alter the terms of any rental agreement in effect prior to January 1, 2001, between the park management and the homeowner regarding the responsibility for the maintenance of trees and driveways within the mobilehome park, except that upon any renewal or extension, the rental agreement shall be subject to this section. This section is not intended to abrogate the content of any existing rental agreement or other written agreements regarding trees or driveways that are in effect prior to January 1, 2001.

(f) This section shall only apply to rental agreements entered into, renewed, or extended on or after January 1, 2001.

(g) Any mobilehome park rule or regulation shall be in compliance with this section.

